

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:19-cr-10137-JDB-1

No. 1:13-cr-10035-JDB-1

SHEROD FARRIS PETERSON,

Defendant.

ORDER CONSTRUING MOTION AS 28 U.S.C. § 2241 PETITION
AND
DIRECING CLERK TO OPEN NEW CASE AND FILE DOCUMENT

On August 26, 2021, the Defendant, Sherod Farris Peterson, filed a document styled “Motion for Relief.” (Docket Entry 46.)¹ Peterson asserts that he is currently serving a state sentence in a Tennessee prison for a conviction he alleges is related to his federal conviction in *United States v. Peterson*, No. 1:19-cr-10137-JDB-1 (W.D. Tenn.). He maintains that the state court directed that his state sentence run concurrently with his federal sentence. He requests that the Court order the “U.S. Marshalls [to] come and get [him], so [his] Federal time can start running.” (*Id.* at PageID 216.)

Defendant is “primarily attacking the execution of his federal sentence[.]” *Castro Flores v. Dretke*, 120 F. App'x 537, 538–39 (5th Cir. 2005) (per curiam). His claim therefore “fall[s] under 28 U.S.C. § 2241[.]” *Id.* (district court “properly treated” a federal defendant’s “complain[t] that federal authorities had failed to deliver him to federal prison to service his federal sentence” as a 28 U.S.C. § 2241 petition).

¹ Peterson filed the pending motion in both of his federal criminal cases. The document has therefore been docketed in both matters. However, because the inmate is challenging the execution of the sentence imposed in No. 1:19-cr-10137-JDB-1, citations herein are to the docket entry in that case.

The Clerk is DIRECTED to open a new case and file Peterson's motion as a 28 U.S.C. § 2241 petition.

IT IS SO ORDERED this 18th day of October 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE